

REMARKS/ARGUMENTS

The Office Action of February 18, 2009 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 15, 17-23, and 25 are pending. Claims 2-14, 16, and 24 are cancelled.

Claims 17-21 are withdrawn as drawn to non-elected species. It is respectfully requested that amended claim 1 is allowable and accordingly, so are claims 17-21 which depend thereon. In addition, method claims 22 and 23 depend on claim 1 and hence include the same limitations as claim 1. Rejoinder of claims 22 and 23 is requested.

Claims 1-4, 6, 15-16, and 25 stand rejected under 35 USC 112, first paragraph, as lacking enablement and separately as lacking written description, in regard to the terms "hydrate" and "solvate". In order to advance prosecution, the terms solvate and hydrate have been deleted from claims 1 and 25 (and withdrawn claim 22). Withdrawal of these rejections is requested.

Applicant does not consider that solvates and hydrates are different chemical forms of a compound of formula I. Instead, solvates and hydrates are different physical forms of the compound. Certainly a solvate or a hydrate of a compound of formula I still requires the compound of formula I, and therefore incorporates the invention defined by the now amended claims. Thus, one producing a solvate or hydrate of a compound of formula I makes use of that invention.

As the skilled practitioner recognizes, a hydrate is a molecule, for example the claimed molecule, in combination with a specific number of water molecules arranged in a particular fashion around the molecule. The solvate is a molecule, for example the claimed molecule, associated with a specific number of solvent molecules arranged in a particular fashion around the claimed molecule. Regardless of the physical form, the compound is still present.

Claims 1, 15-21, and 25 stand rejected under 35 USC 112, first paragraph, as lacking enablement for the phrase “as a human or veterinary medicine.” This phrase has been deleted from claim 1. Withdrawal of this rejection is requested.

Claim 1 stands rejected under 35 USC 112, second paragraph. Claim 1 has been amended to recite a “non aromatic carbocyclic or non aromatic heterocyclic ring.” See page 10, lines 9-19, of the specification. Claims 15 has been amended to delete the term “phenyl,” and claim 16 has been cancelled. Withdrawal of this rejection is requested.

CONCLUSION

In view of the above amendments and remarks, withdrawal of the instant rejections and issuance of a Notice of Allowance are requested. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: August 18, 2009

By: /Susan A. Wolffe/
Susan A. Wolffe
Registration No. 33,568

1100 13th Street, N.W.
Washington, D.C. 20005
Tel: (202) 824-3000
Fax: (202) 824-3001